REMARKS

The present invention is a method for handling messages transmitted between communication terminals via a wireless network, a communication terminal for handling messages and a message format including a text part and at least one graphical part. A communication terminal for handling messages in according with an embodiment of the invention includes a controller 18, a transceiver 19 for communicating with a wireless network, and a user interface 2, 3, 10 and 13 through which the user operates the terminal, the user interface including a display 3, and message editor application 114 allowing user to generate a compound message including a text part 111 and at least one graphic icon part 112; the controller generating the compound message for being transmitted via the transceiver including a text part in a predefined message text character format, the graphical part including a record for each of the at least one graphical part in a graphical format and information in the message defining a position of the at least one graphical part in the text part.

Claims 15, 29 and 39 stand rejected under 35 U.S.C. §102 as being anticipated by WO 97/19429 (Deluca et al). The Examiner reasons as follows:

> As per claim 15, Deluca teaches a method for handling messages transmitted between communication terminals via a wireless network comprising:
>
> generating a compound message including a text part and at least one graphical icon part, (see page 5, lines 13-14; Examiner interprets the image generated by the text #07 to be an icon)
>
> the compound message generation including reading a user inputted text part (see page 5, lines 13-21; Examiner interprets "#07Tom?" to be a compound message) and
>
> converting the inputted text part into a predefined message text format, (see page 10, lines 15-22; Examiner interprets the house address and the telephone number to be predefined text messages

because they are automatically generated based on upon user selection)

adding graphical part to the message, the graphical part including a record for each of the at least one graphical icon part in a graphical format, (see page 10, lines 15-22; Examiner interprets the graphical image of a office to be an icon because a set of predetermined program instructions is executed upon the user's selection of the image)

and adding position information in the message defining a position of the at least one graphical icon part in the text part (see figure page 7, lines 4-32; page 9, lines 6-20; The position information of the graphical icons is included in the message because the arrangement of the images is based on the input order of the graphical icons' code. Furthermore, when compounded message is between a group of text and a graphical icon, the text is always displayed beneath the picture. Therefore the single # symbol defines the position of the graphical icon so that it will always be on the top of the text) and

transmitting of the message via the wireless network (see page 3, lines 2-15; Examiner interprets radio communication network to be a wireless network).

As per claims 29 and 39, they are rejected with the same rationale as claim 1. (see rejection above)

These grounds of rejection are traversed for the following reasons.

Independent claims 15, 29 and 39 respectively recite a method for handling messages transmitted between communication terminals via a wireless terminal, a communication terminal for handling messages and a message format including a text part and at least one graphical part which substantively recite a message including a text part and at least one graphical part with the graphical part including a record for each of the at least one graphical part in a graphical format and information in the message defining a position of the at least one graphical part in the text part. This subject matter, contrary to the Examiner's position as stated in the Final Rejection, is not anticipated by Deluca et al or rendered obvious.

Deluca et al disclose a system in which compound messages, as illustrated in Fig. 8, are composed and transmitted to a receiving device in which a numerical code is utilized to identify a prestored icon which is coded by the composer of the message at the transmitting device entering the numerical code and stored in the memory of the receiving device thereby eliminating a need to transmit any information to the receiving device beyond the code to cause the display of the encoded icon in association with a text message. For example, as illustrated in Fig. 8, the coffee cup is encoded by the input of "#07" which is always displayed at the top of the display 130. This may be seen from the statement "[r]eception of a display command for a message comprising the characters of "#07TOM?" or "TOM?#07" results in the presentation of the image associated with the code "#07" as well as the presentation of any additional alphanumeric or numerical characters included in the message". It is therefore seen that the graphic message has a default display position indicated by the code "#07" stored in the memory of the receiving device which is indicative of a coffee mug to be displayed at a default position when the transmitted code is matched with the code stored in the memory of the receiving device. It is therefore seen that Deluca et al simply utilize prestored codes to allow a transmitting party to select an icon to be displayed in a predetermined default position by a receiving device.

The substantive recitation in claims 15, 29 and 39 that "the graphical part including a record for each of the at least one graphical icon part in a graphical format...position information...defining a position of at least one graphical icon part in the text part" has no counterpart in Deluca et al. First, the Examiner relies on page 10, lines 15-22, for Deluca et al disclosing at least one graphical icon part in a

graphical format. It is submitted that a person of ordinary skill in the art would not consider the storage of the numerical code identifying the particular graphical icon by the transmitting and receiving device such as, for example, described in association with Figs. 3-8, to be at least one graphical icon part in a graphical format and further defining a position of at least one graphical icon part in the text part. The Examiner has also relied upon page 7, lines 4-32, and page 9, lines 6-20. However, the display position of Deluca et al's icons, as described above, is based upon the icon codes which have a default position stored at the receiver. Moreover, the claims recited the transmission of position information in the message which is not met by the icon at the receiver identified by the numerical code being stored with a default position of display which is based upon the numerical number identifying the icon to be displayed in a preset position.

If the Examiner persists in the stated grounds of rejection, it is requested that he point out where position information in the message is met by Deluca et al since Deluca's display position is a default display which is never conveyed within the message. Deluca's display concept of icons is based upon the sender and the receiver devices having preset codes which define where the message will be displayed without having the overhead of actually transmitting the position information controlling the position of display. As indicated, the current claims call for information or position information to be transmitted in the message defining a position of the at least one icon part in the text part. Accordingly, it is submitted that independent claims 15, 29 and 39 are not anticipated.

Moreover, there is no basis in the record why a person of ordinary skill in the art would modify the teachings of Deluca et al, which are intended to lessen

overhead of data transmission, in order to permit the display of icons in association with textual messages to include the transmission of a combination of a graphical part, including a record for each of the at least one graphical icon part in a graphical format and position information defining a position of the at least one graphical icon part in the text part as part of the transmitted message. The claimed invention permits the user of the transmitting device who composes the message to totally control the nature of the compound message including both the nature of the icon by permitting its graphical format to be varied and to further define display position information of the icon part in the text part instead of Deluca et al's default based system in which icons to be displayed in association with text are prestored with a predetermined stored display position at the receiver relative to the text.

Claims 16, 19-25, 30 and 33-38 stand rejected under 35 U.S.C. §103 as being unpatentable over United States Patent 6,032,025 (Sugio et al) in view of United States Patent 5,828,313 (Mochizuiki). These grounds of rejection are traversed for the following reasons.

Independent claims 16, 25, and 30 recite a communication terminal for handling messages, a message format including a text part in at least one graphical icon part and a communication terminal for handling messages which substantively recite a message including a text part and at least one graphical icon part with the graphical icon part including a record for each of the at least one graphical icon part and a graphical format and information in the message defining a position of the at least one graphical icon part and the text part. This subject matter has no counterpart in the proposed combination of Sugio et al and Mochizuki.

Sugio et al disclose the transmission of a compound message, such as illustrated in Fig. 5, in which a display section 24 is broken up into a message display area 24a and portrait display area 24b. See column 6, lines 62-67, through column 7, lines 1-39. As may be seen, an icon such as that illustrated in Fig. 5 provides for the portrait of a young woman to be displayed in association with the text message which appears in section 24a. Sugio et al properly characterize the icon as being "portrait data" which is identified by a portrait designating code which indicates that the subsequent data is a portrait code in a portrait table shown in Fig. 4. Therefore, it is seen that the aforementioned portrait data, which is also referred to in column 8, lines 31-36, is nothing more than a highly compressed code which is transmitted in order to save bandwidth which does not meet the limitations in independent claims 16, 25 and 30 of a message including a text part and a graphical part including a record for each of the at least one graphical icon part in a graphical format and information in the message defining a position of the at least one graphical icon part in the text part. The codes which are referred to as "portrait codes 21" to "36 to designate a portrait" in column 8, line 36, do not meet the foregoing limitations.

With respect to Sugio et al, the position of display of the icon is always separate from the text, as illustrated in Fig. 24a, with its own display position 24b as illustrated in Fig. 5. Therefore, it is submitted that there is not at least one graphical icon part in a graphical format and information in the message defining a position of the at least one graphical icon part in the text as taught by Sugio et al. The Examiner acknowledges that Sugio et al fail to teach information in the message defining a position of the at least one graphical icon part in the text part. The

Examiner is correct in this observation and further, as stated above, Sugio et al do not teach at least one graphical icon part in the graphical format since the prestored numerical codes do not meet this limitation for the reasons set forth above.

Mochizuki has been cited as teaching information in a message defining a position of the at least one graphical icon part in the text part. In the first place, Mochizuki does not cure the deficiencies noted above with respect to Sugio et al. Moreover, the Examiner has not demonstrated any reason why a person of ordinary skill in the art would be led to modify the teachings of Sugio et al in view of Mochizuki to arrive at the subject matter of claims, 16, 19-25, 30 and 33-38 except by impermissible hindsight.

Claims 17, 18, 27, 28, 31 and 32 stand rejected under 35 U.S.C. §103 as being unpatentable over Sugio et al in view of Mochizuki further in view of United States Patent 6,047,828 (Medina). Medina has been cited as teaching a message including a header part including position information of graphics. Medina does not cure the deficiencies noted above with respect to Sugio et al and Mochizuki. Moreover, the Examiner has not demonstrated any motivation why a person of ordinary skill in the art would be motivated to modify Sugio et al in view of Mochizuki to arrive at the subject matter of the rejected claims except by impermissible hindsight.

To the extent necessary, Applicants petition for an extension of time under 37 CFR §1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135

(Case No. 1030.40493X00) and please credit any excess fees to such deposit account.

Respectfully submitted,

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Attachments

DES:dlh